

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JIMMY R. HARRAH,)
v. Plaintiff,) Civil Case No: 7:23-cv-00789
LUTHERAN FAMILY SERVICES OF)
VIRGINIA, INC., *d/b/a* ENCIRCLE,)
Defendant.)

DEFENDANT'S MOTION TO DISMISS

Defendant, Lutheran Family Services of Virginia, Inc., *d/b/a* enCircle (“enCircle” or “Defendant”), by counsel, hereby moves for dismissal of the Complaint filed by Plaintiff, Jimmy R. Harrah (“Mr. Harrah” or “Plaintiff”), for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. *See, e.g., Ellison v. Inova Health Care Servs.*, 2023 U.S. Dist. LEXIS 164824 (E.D. Va. Sep. 14, 2023). Defendant will file a brief in support of this Motion in the near future.

LUTHERAN FAMILY SERVICES OF
VIRGINIA, INC. *d/b/a* ENCIRCLE

/s/ Harrison E. Richards
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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2024, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which provides an electronic copy to all counsel of record.

/s/ Harrison E. Richards
Counsel for Lutheran Family Services of
Virginia, Inc., d/b/a enCircle